Before the FEDERAL COMMUNICATIONS COMMISSION Washington, DC 20554

In the Matter of)	
)	
Request for Review by)	CC Docket No. 96-45
Cook Telecom, Inc. of)	
Decision of Universal)	
Service Administrator)	

To: Chief, Wireline Competition Bureau

REQUEST FOR REVIEW

Cook Telecom, Inc. (Cook), by its attorney, and pursuant to Section 54.719(c) of the Commission's Rules, hereby requests review of the decision of the Administrator of the Universal Service Administrative Company (USAC), on December 8, 2005, denying Cook's challenge to USAC's claim of indebtedness, in the amount of \$23,999.59, for universal service fees. 12

I. Background

Cook is a provider of common carrier paging service and as such meets the definition of a telecommunications carrier, as set out in Section 54.5 of the Commission's Rules. Beginning in 1997, Cook was accordingly required to contribute to the universal service support programs, pursuant to Rule Section 54.706(a)(1), on the basis of its end-user interstate telecommunications

The decision denying Cook's challenge was sent to Cook in an email message from Mr. Rich Seetoo, USAC Billing, Collections and Disbursements, on December 8, 2005 (exchange of email correspondence attached hereto as Appendix A). Accordingly, this request for review is timely filed.

The correspondence from USAC denying Cook's challenge states that if Cook does not agree with USAC's findings, it may file a formal appeal with USAC. However, Cook has been pursuing its challenge with USAC on this issue for eight years to no avail. Its protestations have apparently fallen on deaf ears. There is accordingly no reason to believe that any further appeal to USAC will be productive; hence this filing with the Commission.

revenues and the appropriate contribution factor, unless in any given year it was entitled to the *de minimis* exemption, as provided for in Rule Section 54.708.³ The reporting was to be done on the FCC Form 457 Universal Service Worksheet and filed semi-annually.⁴

In August of 1997, Cook received a notice from its national trade association, the Personal Communications Industry Association (PCIA), advising of a new Universal Service fee that would be applicable to portions of Cook's business operations. PCIA advised Cook of the need to file a Form 457 as a "New Filer" with USAC by September 2, 1997. This was an entirely new area of regulation for Cook and there seemed to be uncertainties as to the services and percentage of revenues on which the fee would be assessed. Presumably, additional clarification would be forthcoming from USAC.

Without receiving clear resolution of those uncertainties, Cook filed its Form 457 in advance of the September 2, 1997 deadline and was subsequently sent a bill by USAC for what appeared to be an unduly large amount. Upon review, Cook learned for the first time that the Universal Service fee was to be based only on the interstate portion of its revenues from its paging service. However, in completing the Form 457, Cook mistakenly reported, as its contribution base, its revenues from all sources of its business – paging (both interstate and intrastate), equipment sales, equipment leasing, radio repair, parts sales, site leasing, telephone

See, Third Report and Order in CC Docket 97-21 and Eighth Order on Reconsideration in CC Docket 96-45, 13 FCC Rcd 25058, 14 CR 232 (1998)

The Form 457 Universal Service Worksheet has since been replaced by the annual Form 499-A Telecommunications Reporting Worksheet, which encompasses consolidated reporting requirements for the Telecommunications Relay Service, Universal Service, Number Administration and Local Number Portability support mechanisms, and the quarterly Form 499-Q Telecommunications Reporting Worksheet which covers only Universal Service. See, Federal-State Joint Board on Universal Service, CC Docket 96-45, FCC 01-85 (2001). See, also, 1998 Biennial Regulatory Review – Streamlined Contributor Reporting Requirements Associated with Administration of Telecommunications Relay Services, North American Numbering Plan, Local Number Portability, and Universal Service Support Mechanisms, Report and Order, CC Docket 98-171, FCC 99-175 (1999).

answering service and voicemail services. As a result, the assessed amount of the Universal Service fee greatly exceeded what it would have been had the assessment been based strictly on revenues from Cook's interstate telecommunications service. Indeed, had the mistake not been made, Cook would have qualified for the *de minimis* exemption and would therefore have owed nothing.

Despite Cook having pursued a correction of the erroneous Form 457 filing since 1998, USAC has failed to resolve the matter. Then, in October of 2005, USAC transferred the claimed debt to the FCC and the Commission issued an invoice No. 05US008909. In response, Cook submitted a letter to the Commission, dated November 16, 2005, to the attention of the Revenue and Receivables Operations Group. The letter included as attachments documents detailing Cook's attempts to have USAC acknowledge that nothing was due and owing. A copy of that letter, including attachments, is attached hereto as Appendix B.

At the same time, Cook continued to pursue the matter with USAC which culminated in the email correspondence attached as Appendix A. While it appears from Appendix A that USAC finally gets the point of Cook's repeated protestation, it nevertheless seems to be standing on ceremonies because Cook submitted only handwritten corrective revisions to its 1997 Form 457 but did not submit "an official revision."

II. Argument

From the foregoing, it is clear that the claimed indebtedness is based on a good faith error by Cook in completing its 1997 Form 457 filing. Using the corrected revenue figures, as shown in Appendix B, the only reasonable conclusion is that Cook was entitled to the *de minimis* exemption, in accordance with Rule Section 54.708, and that it currently owes nothing to USAC. This should have been recognized by USAC long ago. Cook has continued to pursue the matter

in good faith but to no avail. It appears that USAC's refusal to correct the error is based on its elevation of form over substance. Thus, USAC maintains that the indebtedness cannot be cancelled because Cook submitted only handwritten corrections to its 1997 Form 457 filing but not "an official revision." While USAC has not attempted to provide information as to what it would consider an official revision, it is noted that there does not appear to be any formal procedure in the Commission's Rules for correcting erroneous Universal Service filings of the type here involved. This perhaps is a void that needs to be filled, but not at Cook's expense.

III. Relief Requested

Accordingly, the Commission is requested to review USAC's denial of Cook's challenge to the claimed indebtedness, as stated in Appendix A hereto, and thereupon to cancel the debt in the amount of \$23,999.59 and cancel Invoice No. 05US008909.

Respectfully submitted,

Cook Telecom, Inc.

Bv:

Harold Mordkofsk

Its Attorney

Blooston, Mordkofsky, Dickens, Duffy & Prendergast 2120 L Street, N.W. Washington, DC 20037 Tel. (202) 828-5520 Fax (202) 828-5568 halmor@bloostonlaw.com

Dated: February 6, 2006

APPENDIX A (Email decision by USAC denying Cook's challenge to claimed indebtedness)

Harold Mordkofsky

From: Tom Cook [tcook@cookpage.com]

Sent: Wednesday, December 14, 2005 3:47 PM

To: Harold Mordkofsky Subject: Re: filer ID 812229

---- Original Message ---From: BCD Customer Service
To: tcook@cookpage.com
Cc: halmor@bloostonlaw.com

Sent: Thursday, December 08, 2005 9:56 AM

Subject: RE: filer ID 812229

Tom-

I and my supervisor have reviewed the documents you provided and reviewed the documents of what USAC has on file. We found the September 1998 de minimis letter. This letter appears to not have been processed and therefore you received charges in January 1999 to May 1999. This form is being reviewed by a USAC financial analyst now. The specific charges from January 1999 to May 1999 could be credited off the account based upon the findings of the financial analyst. We also saw your 1997 filing of the form 457 with the handwritten corrections you made, but we did not see an official revision of this form that would show the corrected numbers replacing the incorrect numbers. With this in mind, your original filing will have to remain in place. If you do not agree with these findings, you can find information on how to file a formal appeal with USAC here:

http://www.universalservice.org/serviceprovider/contributorappeals.asp

Rich Seetoo USAC Billing, Collections and Disbursements 888-641-8722, opt 4, opt 4

From: Tom Cook [mailto:tcook@cookpage.com]
Sent: Tuesday, December 06, 2005 11:36 AM

To: BCD Customer Service

Cc: Hal Mordkofsky

Subject: Re: filer ID 812229

Rich: Harold is with the law firm of Blooston, Mordkofsky, Dickens, Duffy and Prendergast. They have represented our interests before the FCC for many years and it is perfectly o.k. to discuss this matter with them. I personally responded to the FCC on this matter but copied Harold's office because they may have to become involved if the matter cannot be resolved quickly.

Regards, Tom

---- Original Message ---From: BCD Customer Service
To: tcook@cookpage.com

Sent: Monday, December 05, 2005 1:04 PM

Subject: filer ID 812229

Tom-

I just wanted to update you that I am still researching your issue on my end. I hope to call you in the next day or so. FYI: Hal Mordkofsky left me a voice mail today. If he is a company officer at your company I can speak to him, if not I have to keep my conversation restricted to you.

Thanks for your patience.

Rich Seetoo USAC Billing, Collections and Disbursements 888-641-8722, opt 4, opt 4

APPENDIX B

(Letter from Cook Telecom, Inc. to FCC, dated November 16, 2005)

COOK TELECOM, INC.

dba, Cook Paging 2960 KERNER BLVD. SAN RAFAEL, CA. 94901

OFF: 415-460-4901 FAX: 415-456-5566

EMAIL: tcook@cookpage.com

November 16, 2005

Federal Communications Commission Attn: Revenue and Receivables Operations Group 445 12th St. S.W., Room 1-A821 Washington, D.C. 20554

Re: Bill # 05USOO8909 FRN # 0013962543

Gentlemen:

This is in reference to a Bill of Collection notice received by us last week. We dispute these charges, have been disputing them since 1997., and believe we owe nothing further to USF for the following reasons:

Background:

Our company is in the business of wireless equipment sales, repair and maintenance; antenna site management; provision of telephone answering, voicemail service and equipment; in-house and wide area paging.

In August 1997, we received a notice from our national association (PCIA) advising us of a new Universal Service Fee that would be applicable to portions of our company's business operations. We were told that we needed to file a Form 457 as a "New Filer" with USAC, and the filing needed to be made by September 2, 1997. At the time there seemed to be uncertainties as to the percentage of fees that would be assessed, on exactly what services, and that additional clarification would be forthcoming from USAC.

We filed the Form 457 by the September 2, 1997, deadline and were subsequently sent a bill by USAC for a very high fee. In reviewing our filing it became evident that we had mistakenly included revenue for equipment sales, equipment leasing, radio repair, parts sales, telephone answering service, and voicemail services as part of mobile services. The portion of revenue collected for interstate paging service would have easily placed us in a de minimis situation.

We immediately contacted USAC and explained our error and misunderstanding, and were told they would review and correct our filing, and advised to file a de minimis application in 1998. Notwithstanding our subsequent de minimis filings in 1998, 1999, and thereafter, USAC continued to bill us based on our initial filing for at least 30 more months.

We had numerous correspondences with USAC including fruitless phone calls and written correspondence (attached). In May, 1999, we received a letter from Ms. Dorothy Attwood at the FCC, relating to this matter and we promptly responded to the Commission and copied USAC. It appears the FCC contacted us based on incorrect information supplied by USAC. No further communications has been received since May, 1999, and after six years USAC has arbitrarily chosen to submit this matter to the Commission as an uncollected billing. As a result, the Commission has placed a red flag on our ULS account. We request the FCC lift the red flag and arbitrate this matter, or refer the issue back to USAC and have them review and communicate with our firm.

Respectfully,

Cook Telecom, Inc. dba, Cook Paging

Tom L. Cook

Federal Communications Commission REMITTANCE ADVICE BILL FOR COLLECTION

Approved by OMB 3060-0589

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Federal Communications Commission Washington, D.C. 20554

October 20, 2005

IMPORTANT INFORMATION DO NOT DISCARD -- NOTICE OF DEBT TRANSFER

The Universal Service Administrative Company (USAC) twice demanded payment and provided other correspondence (Demand(s)) to the entity referenced above (You or Debtor) concerning a Debt due and payable to the federal Universal Service Fund (USF) (a debt owed to the United States). The Debt results from Debtor's non-payment of USF contributions for a specific period. Consequently, if You have an arrearage in other payments, You will receive additional Demands. Because Debtor failed to pay the Debt and the accrued interest, administrative costs, and penalties, it has been referred to the Federal Communications Commission (Commission). In that regard, the balance owed on the referred Debt does not include subsequent arrearages. As stated in the Demand(s), federal law requires the collection of interest and penalties on an outstanding debt owed to the United States.

This Notice is to inform You/Debtor that within 30 calendar days of the date of this letter (Last Due Date), full payment of the Debt (computed as of) the date of payment must be received by the Commission, or satisfactory documentary evidence must be provided to the Commission that the Debt is not due. Payment of this Debt does not satisfy or discharge any other debt that You may owe. Your remittance must be delivered in a manner so as be received on or before the Last Due Date by the Commission at the following address:

Federal Communications Commission P.O. Box 358340 Pittsburgh, PA 15251-5340

If the Commission does not receive the full payment of the Debt(as computed to the date of payment) by the Last Due Date, the Commission will promptly transfer the Debt to the United States Department of the Treasury (Treasury) or the United States Department of Justice for collection. Transfer of the Debt may result in sanctions, including, but not limited to, the initiation of proceedings to recover the outstanding debt, together with all applicable administrative charges, penalties, and interest pursuant to the provisions of the

Debt Collection Act of 1982 and the Debt Collection Improvement Act of 1996, as amended (the DCIA). Collection efforts may include, among other processes and procedures, use of collection centers, collection agencies, tax refund offset, administrative offset, and/or litigation to collect the Debt and other costs.

Under the DCIA, interest and penalties accrued from the date of the First Demand. In addition, You are required to pay the administrative costs of processing and handling a delinquent

claim as set by the Treasury (currently 18% of the debt). These requirements are set out at 31 U.S.C. § 3717.

If this debt has been satisfied or otherwise mitigated, You/Debtor must, before the Last Due Date, provide evidence satisfactory to the Commission, such as a verified copy of the cancelled check, which satisfied the full amount of the Debt, or a Resolution Letter issued by USAC or the Commission, together with a copy of this Notice to the Commission at the following address:

Federal Communications Commission
Attn: Revenue and Receivables Operations Group
445 12th Street S.W., Room 1-A821
Washington, DC 20554

If you have any questions, please contact the Revenue and Operations Group at (202) 418-1995 or by email at ARINQUIRIES@fcc.gov.



COOK PAGING

2960 Kerner Blvd. San Rafael, CA 94901 Ph. (415) 485-0553 Fax: (415) 456-9202

May 20, 1999

Federal Communications Commission Attn: Dorthy T. Attwood Chief, Enforcement Division Common Carrier Bureau Washington, D.C. 20554

Re: USAC TRS No. 812229

Dear Ms. Attwood:

This acknowledges receipt of your May 11, 1999, letter concerning the USAC Form 457.

Please be advised that our company did file an FCC Form 457 on August 27, 1997. This was the first year such a filing was required and we may have completed the form in haste in order to meet the September 2, 1997, deadline. We did not fully understand the applicable parameters involved in revenue reporting and consequently included incorrect information that should not have been included, i.e., site income, maintenance revenue, equipment and parts sales, and telephone answering service income.

After filing the 1997 Form 457, we recognized these discrepancies and contacted USAC by telephone on several occasions. We were advised to file a Certificate of DeMinimis Exemption, which we have done in 1998 and 1999. In spite of our calls and subsequent filings, USAC is still sending us bills based upon our 1997 Form 457 filling.

I have enclosed copies of our USAC filings for each of the past three years. Please advise further.

Sincerely yours,

COOK TELECOM, INC. dba Cook Paging

Tom L. Cook President

TLC:I

Cc: USAC



CERTIFICATION OF DE MINIMIS EXEMPTION March 31, 1999 Filing

I certify that I am an officer of the carrier identified below, that we have examined the FCC Form 457 and its instructions, that we have performed the *de minimis* test in said instructions, and that to the best of my knowledge, information and belief, as a result of performing that test, we will not have a contribution amount for 1999 that exceeds the \$10,000 threshold thereby exempting us from the requirement to file an FCC Form 457 on March 31, 1999.

TRS Company Code:	812229		·
IRS Employer ID#		,*	
(EIN):	94-2517631		,
Principal	CI CAP/CLEC	☐ Cellular/PCS/SMR (wireless telephony)	☐ Incumbent LEC
Communications	□ IXC	☐ Local Reseller	□ OSP
Business:	☑ Paging & Messaging	■ Payphone Service Provider	☐ Pre-paid Card
Please check only	☐ Private Service	☐ Satellite	☐ Shared Tenant
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Instructions pp. 9-11)	y oma socal, moone o	Tom is enecked, describe contitution type.	
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The **De Minimis Factors** for the March 31, 1999 filing are .0073 for total universal service contribution base and .0391 for total interstate and international end-user telecommunications revenue. Please see the FCC Form 457 Worksheet Instructions on page 6 for further information.

File this "Certificate of De Minimis Exemption" if:

(Line 49A * .0073) + (Line 49C * .0391) is less than or equal to \$10,000.

Please submit this form, if applicable, to:

USAC-FCC Form 457 100 South Jefferson Rd. Whippany, NJ 07981

NOTE: If this company qualifying for the de minimis exemption is a RESELLER, you must notify your underlying carrier that you are not contributing directly to universal service, and you must be considered an end user by the underlying carrier.



CERTIFICATION OF DE MINIMIS EXEMPTION 09/01/98 Filing

I certify that I am an officer of the carrier identified below, that we have examined the FCC Form 457 and its instructions, that we have performed the *de minimis* test in said instructions, and that to the best of my knowledge, information and belief, as a result of performing that test, we will not have a contribution amount for 1999 that exceeds the \$10,000 threshold thereby exempting us from the requirement to file an FCC Form 457 on September 1, 1998.

TRS Company Code:	8 12229
IRS Employer Identification Number (EIN):	68-0134594
Principal Communications Business: (see Form 457 Instructions pp. 9-11)	
Legal Name of Company:	Cook Telecom, Inc.
Complete Mailing Address:	2960 Kerner Blvd. San Rafael, California 94901-5583
Contact Phone Number:	415-460-4901
Officer Signature:	16 Cool
Printed Name of Officer:	l Tom L. Cook

The De Minimis Factors for the September 1, 1998 filing are .0146 for Total universal service contribution base and .0781 for Total interstate and international end-user telecommunications revenue. Please see the FCC Form 457 Worksheet Instructions on page 6 for further information.

File this "Certificate of De Minimis Exemption" if:

(Line 49A * .0146) + (Line 49C * .0781) is less than or equal to \$10,000.

Please submit this form, if applicable, to:

USAC- FCC Form 457 100 South Jefferson Rd. Whippany, NJ 07981



Tom L. Cook, President 2960 Kerner Blvd. Sen Refeel, CA 94901 Ph. (415) 485-0563 Fex: 456-9202

December 2, 1997

USAC-Universal Service Adminstration Attn: Receivables/Billing Dept. 100 South Jefferson Rd. Whippany, N.J. 07981

Gentlemen:

This is a follow up to our phone conversation last week regarding our company's recent "New Filing" submitted on August 29, 1997.

We were uncertain on how to enter our revenue figures and in reviewing Page 2, realized our paging service revenue was entered on Line 28, but also included on Line 39 along with revenues that should not be included in the contribution base.

Please change as follows:

Line 39: Delete the figure \$1,471,500 completely (\$209K already shown on Line 28. Balance of \$1,271,500. should be moved to Line 49 as revenue not in contribution base).

You will adjust any applicable billings to our company accordingly.

Please call me should you have any questions.

Regards,

Cook Telecom, Inc. dba, Cook Paging

Tom L. Cook

FCC Fo	FCC Form 457 Universal Service Worksheet Page 2					
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Management company (if contributor is managed by another entity) Principal Carrier Identification Code used for interexchange service

5 Holding company

CC Form 457

Universal Service Worksheet

Approval by OMB 3060-0785

Estimated Average Burden Hours Per Response; 5 Hours lease read instructions before completing. Report actual amounts billed to customers and contributors during the filing period without submixing uncollectibles or vernational sattlement payments. Report revenues in whole dollars. Do not report negative amounts, Hock 1: Contributor Identification 1966. 35 pres 44 AND AMERICAN COOK TELECOM, INC. 1 Legal name of contributor 94-2917631 2 IRS employer identification number TRS Company Code Filino Name contributor is doing business as Principal communications business (check only one) Shared Tenant Service Provider Pzyphone Service Provider Private Service Provider Incumbent LEC CAP/CLEC Local Pleseter Other Local Cellular/PCS/SMR (wireless telephony) y Paging & Messeging Wireless Data Other Mobile ☐ IXC Toll Reseller OSP If Owner Lavoid, Owner Mobiles, or Other Tall is checked, checkbe contributor type below. Satellite Pre-paid Card Other Toli

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11a	Telephone number of contact person	415 ₁ 456-6	000	11b Fax number	415, 456-5566	
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18	Dete	8/29/97
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Administrator, not to the PCC. The Administrator's address and telephone namelous are available an the PCC's we

PERSONS MAKING WILLFUL FALSE STATEMENTS IN THE WORKSHEET CAN BE PURISHED BY FINE OR INPRISONMENT UNDER TITLE 18 OF THE UNITED STATES CODE,18 U.S.C. 81404

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Cook Paging 2960 Kerner Boulevard San Rafael, California 94901-5583



USAC - Universal Service Administration 100 South Jefferson Rd. Whippany, N.J. 07981



FEDERAL COMMUNICATIONS COMMISSION COMMON CARRIER BUREAU ENFORCEMENT DIVISION

May 11, 1999

Return Receipt Requested. Cook Telecom, Inc. 2960 Kerner Blvd. San Rafael, CA 94901

Re: Outstanding Universal Service Fund Contribution TRS No. 812229

To Whom It May Concern:

As you are aware, your company, as a provider of interstate telecommunications services, is obligated by federal law to contribute to federal universal service support programs. See 47 U.S.C. § 254(d). The Federal Communications Commission ("Commission") has authorized the Universal Service Administrative Company ("USAC") to collect universal service contributions from interstate telecommunications providers on a monthly basis. See 47 C.F.R. § 54.709(d)(4). Companies with more than \$2 million of annual revenue for its Universal Service Fund contribution are required to have submitted the Universal Service Fund Worksheet, Form 457, to USAC. Your company has not submitted a Form 457 to USAC.

Your company's failure to pay its congressionally mandated universal service contribution is a violation of both the federal statute and the Commission's rules. See 47 U.S.C. § 254(d); 47 C.F.R. § 54.703(a). You need to file and submit the Universal Service Worksheet immediately. The Commission takes this matter very seriously. We are firmly committed to ensuring full compliance with the statutory universal service requirements, which form one of the primary goals of the Telecommunications Act of 1996. In this regard, please note that, on Aug. 14, 1998, the Commission issued notices of apparent liability against two carriers delinquent on their universal service obligations. See In re ConQuest Operator Services Corp., Notice of Apparent Liability for Forfeiture,

FCC 98-196, File ENF-98-06 (Aug. 14, 1998); *In re Operator Communications, Inc*, Notice of Apparent Liability for Forfeiture, FCC 98-197, File ENF-98-07 (Aug. 14, 1998). These Notices each proposed penalties in excess of \$70,000 for the carriers' failure to make the required payments for January 1998 alone. In addition, the carriers receiving these Notices also remain liable for the accrued contributions and late fees.

If your company does not submit its Form 457 Universal Service Fund Worksheet to USAC within 30 days of the date of this letter, the Commission is prepared to issue a notice of apparent liability against your company. Failure to file required forms with the Commission is a violation of the Communications Act of 1934 and is subject to a \$3,000 fine under the Commission's Forfeiture Policy Statement. See In the Matter of the Commission's Forfeiture Policy Statement and Amendment of Section 1.80 of the Rules to Incorporate the Forfeiture Guidelines, Report and Order, 12 FCC Rcd 17087 (1997) (Forfeiture Policy Statement). The Commission is authorized to impose fines for a carrier's willful or repeated failure to comply with the Communications Act of 1934 or the Commission's rules up to a statutory maximum of \$1.1 million for any single continuing violation of the Act or Commission's rules. See 47 U.S.C. § 503 (b)(2)(B); 47 C.F.R. § 1.80.

Please mail your Universal Service Worksheet to: Universal Service Administrative Company, P.O. Box 371719, Pittsburgh, PA 15251-7719, phone (973) 884-8097 or (973) 884-8179. Should you have further questions about this letter, please contact Lisa Choi, Federal Communications Commission, Attorney/Advisor, phone (202) 418-1384.

Sincerely,

Dorothy T. Attwood

Chief, Enforcement Division Common Carrier Bureau

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COOK TELECOM INC.

2960 Kerner Blvd.

San Rafael, California 94901-0553

Ph: 415-456-6000 FAX: 415-456-5566

MEMO TO:

USAC

100 South Jefferson Rd. Whippany, N.J. 07981

FROM:

Tom L. Cook

SUBJECT:

DATE:

Friday, April 03, 1998

Gentlemen:

We have written USAC on two previous occasions requesting information and data explaining how the USAC tax assessment has been calculated. It seems the amount being billed to us is too high and we need to better understand the methodology before we can bill our customer.

Please send such support information at your earliest convenience.



Whippany, NJ 07981

March 31, 1998

Tom L. Cook Cook Telecom, Inc. 2960 Kerner Blvd San Rafael, CA 94901

Our records indicate that you are in arrears with a balance of \$3,688.06 for the Universal Service Administrative Company (USAC), charges were due for payment to USAC by February 20, 1998.

These charges are for your contribution to the Federal Universal Service programs as mandated by the Telecommunications act of 1996 and the FCC's Rules 47 C.F.R. S54.709 - 54.713.

Based on the lack of positive response from your company to pay these charges, USAC will forward information of your non-compliance to the FCC for disposition if your payment is not received within the next 5(five) business days,

USAC may be contacted at 973-884-8347 or 973-884-8179.

Late payment charges will be assessed on any unpaid balances.

If payment has been sent, please disregard this notice.

Billing and Collection Manager

Cook Telecom

2960 KERNER BLVD. SAN RAFAEL, CA. 94901 PH. 415-460-4901 FAX 415-456-5566

December 14, 1999

Universal Service Administrative Co. P.O. Box 371719
Pittsburgh, PA. 15251

Gentlemen:

This is in reference to the continued billing we have been receiving from your organization (see latest bill attached).

In 1997, our company was sent a Form 457 form to fill out by our national association. We were told to complete and file by a certain date although complete instructions and details about how and what to file were forthcoming.

We completed and filed the form as requested but were unclear about how to report the various revenues associated with our business. Unfortunately, we included revenues from site rent, pager and two-way equipment maintenance and repair, equipment sales and telephone answering service. These represent our primary business and should not have been included with paging revenue.

Later, we were surprised to begin receiving very large bills from you people. We called several times to explain and wrote letters, but nothing seemed to stop these bills. In subsequent years, we have filed deminimis exemption forms.

We would appreciate this billing being cleared up and reversed.

Thankyou,

Cook Telecom

T.L. Cook



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STATEMENT OF ACCOUNT

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Payment is due by 12/16/1999

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DECLARATION

Tommy L. Cook hereby declares, under penalty of perjury, that he is the president of Cook Telecom, Inc.; that he has read the foregoing Request for Review to the Federal Communications Commission; and that, except for those facts of which the Commission may take official notice, all of the facts stated therein are true and correct to the best of his knowledge, information and belief.

Dated, this 12 day of Feb, , 2006.

Tommy L. Cook

CERTIFICATE OF SERVICE

I, Harold Mordkofsky, hereby certify that on this 6th day of February, 2006,

I caused to be served the foregoing Request for Review to the Federal

Communications Commission, by U.S. Mail postage prepaid, upon the following:

Administrator Universal Service Administrative Company 2000 L Street, N.W. Suite 200 Washington, DC 20036

Universal Service Administrative Company Attn: Billing, Collections & Disbursement 2000 L Street, N.W. Suite 200 Washington, D.C. 20036

Harold Mordkorsky